

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

**RUST-OLEUM CORPORATION,**

Case No. 1:18-cv-01655-CL

Plaintiff / Counter Defendant,

**JUDGMENT AND MONEY AWARD**

v.

**NIC INDUSTRIES, INC.,**

Defendant / Counter Claimant.

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**CLARKE**, Magistrate Judge.

Based upon the Jury Verdict in this case, dated September 27, 2024, in favor of Defendant NIC Industries Inc. (#352), and the Court's Opinion and Order (#387), and the subsequent acceptance of remittitur of the fraud damages by NIC (#388), it is hereby ORDERED and ADJUDGED as follows:

1. That Defendant NIC Industries, Inc. recover from Plaintiff Rust-Oleum Corporation, on Defendant NIC Industries Inc.'s first counterclaim for breach of contract, the amount of \$40,000,000 (Forty million dollars), plus prejudgment interest thereon at the rate of 9% per annum from August 1, 2018, until the date of this judgment;
2. That Defendant NIC Industries Inc. recover from Plaintiff Rust-Oleum Corporation on Defendant NIC Industries Inc.'s second counterclaim for misappropriation of trade secrets, the amount of \$20,000,000 (Twenty million dollars), plus prejudgment interest

thereon at the rate of 9% per annum from August 1, 2018, until the date of this judgment, plus punitive damages in the amount of \$40,000,000 (Forty million dollars);

3. That Defendant NIC Industries Inc. recover from Plaintiff Rust-Oleum Corporation on NIC Industries Inc.'s third counterclaim for fraud, the amount of \$3,610,814 (Three million, six hundred and ten thousand, eight hundred and fourteen dollars), plus prejudgment interest thereon at the rate of 9% per annum from August 1, 2018, to the date of this judgment, plus punitive damages in the amount of \$7,221,628 (Seven million, two hundred and twenty one thousand, six hundred and twenty eight dollars);
4. That Defendant NIC Industries Inc. recover from Plaintiff Rust-Oleum Corporation Post-judgment interest upon all amounts awarded herein, including prejudgment interest, at the rate set forth in 28 U.S.C. §1961(a) from the date of this judgment until paid;
5. That the Oregon Department of Justice is a judgment creditor for a portion of the punitive damages awarded herein as provided by ORS 31.735;
6. That Defendant NIC Industries Inc.'s claims for injunctive relief are dismissed as moot;
7. That Plaintiff Rust-Oleum Corporation recover nothing, that its claims be dismissed on the merits with prejudice, and that Defendant NIC Industries Inc. recover costs and attorney fees on these claims in an amount to be determined pursuant to Fed. R. Civ. P. 54.

It is so ORDERED and DATED this 28 day of February, 2025.



MARK D. CLARKE  
United States Magistrate Judge